

**House File 2005 - Introduced**

HOUSE FILE 2005

BY MURPHY

**A BILL FOR**

1 An Act relating to the underage consumption of alcohol and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, subsection 2, Code 2014, is  
2 amended to read as follows:

3 2. A person or persons under legal age shall not purchase or  
4 attempt to purchase, consume, or individually or jointly have  
5 alcoholic liquor, wine, or beer in their possession or control;  
6 except in the case of liquor, wine, or beer given or dispensed  
7 to a person under legal age within a private home and with the  
8 knowledge, presence, and consent of the parent or guardian, for  
9 beverage or medicinal purposes or as administered to the person  
10 by either a physician or dentist for medicinal purposes and  
11 except to the extent that a person under legal age may handle  
12 alcoholic beverages, wine, and beer during the regular course  
13 of the person's employment by a liquor control licensee, or  
14 wine or beer permittee under this chapter.

15 Sec. 2. Section 123.47, subsection 3, paragraph a,  
16 unnumbered paragraph 1, Code 2014, is amended to read as  
17 follows:

18 A person who is eighteen, nineteen, or twenty years of  
19 age, other than a licensee or permittee, who violates this  
20 section regarding the purchase of, ~~or~~ attempt to purchase, or  
21 consumption of alcoholic liquor, wine, or beer, or possessing  
22 or having control of alcoholic liquor, wine, or beer, commits  
23 the following:

24 Sec. 3. Section 123.47B, Code 2014, is amended to read as  
25 follows:

26 **123.47B Parental and school notification — persons under**  
27 **eighteen years of age.**

28 1. A peace officer shall make a reasonable effort to  
29 identify a person under the age of eighteen discovered to be  
30 consuming or in possession of alcoholic liquor, wine, or beer  
31 in violation of section 123.47 and refer the person to juvenile  
32 court.

33 2. The juvenile court officer shall notify the person's  
34 custodial parent, legal guardian, or custodian of the  
35 violation. In addition, the juvenile court shall also make

1 a reasonable effort to identify the elementary or secondary  
2 school which the person attends if the person is enrolled in  
3 elementary or secondary school and to notify the superintendent  
4 or the superintendent's designee of the school which the person  
5 attends, or the authorities in charge of the nonpublic school  
6 which the person attends, of the consumption or possession. A  
7 reasonable attempt to notify the person includes but is not  
8 limited to a telephone call or notice by first-class mail.

9 Sec. 4. Section 232.52, subsection 2, paragraph a,  
10 subparagraph (4), subparagraph division (a), subparagraph  
11 subdivision (vi), Code 2014, is amended to read as follows:

12 (vi) Two or more violations of section 123.47 regarding the  
13 consumption or possession of alcoholic beverages.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the underage consumption of alcohol and  
18 makes penalties applicable.

19 The bill amends Code section 123.47 to prohibit a person  
20 under legal age (under 21) in Iowa from consuming alcoholic  
21 liquor, wine, or beer, subject to certain exceptions (if  
22 consumed in a private home with the knowledge, presence, and  
23 consent of the underage person's parent or guardian, for  
24 beverage or medicinal purposes or if administered to the person  
25 by either a physician or dentist for medicinal purposes, and  
26 to the extent that an underage person may handle alcoholic  
27 beverages, wine, and beer during the regular course of the  
28 person's employment by a liquor control licensee, or wine or  
29 beer permittee under Code chapter 123).

30 An underage person in violation of the bill who is age 18,  
31 19, or 20 commits a simple misdemeanor and is subject to a  
32 scheduled fine of \$200 (Code section 805.8C(7)), a criminal  
33 penalty fine, community service, a substance abuse evaluation,  
34 and suspension of the person's motor vehicle operating  
35 privileges for up to one year depending on whether the offense

1 is a first, second, or third or subsequent offense.

2 An underage person in violation of the bill who is under  
3 the age of 18 is subject to the jurisdiction of the juvenile  
4 court and may be subject to the suspension or revocation of the  
5 person's driver's license or operating privilege for one year  
6 if the person has had two or more violations of Code section  
7 123.47 regarding the consumption of alcoholic beverages.  
8 In addition, the bill requires a peace officer to make a  
9 reasonable attempt to notify such person's custodial parent or  
10 legal guardian and, if applicable, school officials, about the  
11 person's consumption of alcoholic beverages.